

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**

**DATE: September 29, 2022
START: 2:00 p.m.
END: 2:35 p.m.**

DOCKET NO: 22-cv-163 (RPK)

CASE Diamenta v. Narragansett Bay Insurance Company

INITIAL CONFERENCE
 DISCOVERY CONFERENCE
 SETTLEMENT CONFERENCE
 MOTION HEARING

OTHER/CHEEKS HEARING
 FINAL/PRETRIAL CONFERENCE
 TELEPHONE CONFERENCE
 INFANT COMPROMISE HEARING

PLAINTIFF

ATTORNEY

	<i>Pro se</i> plaintiff Moshe Bennetto Diamenta
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DEFENDANTS

ATTORNEY

	Mark Vaughn
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FACT DISCOVERY TO BE COMPLETED BY _____
 SETTLEMENT CONFERENCE SCHEDULED FOR _____
 JOINT PRE-TRIAL ORDER TO BE FILED VIA ECF BY _____
 PL. TO SERVE DEF. BY: _____ DEF. TO SERVE PL. BY: _____

RULINGS: PLEASE TYPE THE FOLLOWING ON DOCKET SHEET

The Court conducts a telephonic motion hearing on defendant's motion to dismiss and for sanctions (DE #36, DE #38). The Court's Order of September 12, 2022 directed plaintiff, on pain of sanctions, to appear in person for his deposition on September 15, 2022. Due to a purported but unsubstantiated medical emergency, plaintiff failed to timely appear for his court-ordered deposition. While the Court would be warranted in recommending dismissal of plaintiff's claims for violating the Court's orders, defendants' motion to dismiss and for sanctions is denied without prejudice. The Court will give plaintiff one final opportunity to demonstrate that he wishes to pursue his claims and is prepared to fully comply with his obligations as a party and to obey court orders. Plaintiff must appear for his in-person deposition on October 12, 2022 at 10:00 a.m., at 16 Court Street, Suite 907, Brooklyn, NY. Plaintiff's failure to timely and fully comply with this latest order will result in a recommendation that his case be dismissed with prejudice. The deadline for requesting a premotion conference is extended to October 21, 2022. The Court is prepared to so-order the subpoenas discussed during the hearing. The Clerk is requested to email a copy of this order to plaintiff.